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15 July 1991

ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 403rd MEETING

Held at Headquarters, New York,
on Tuesday, 9 July 1991, at 3 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

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Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

The meeting was called to order at 4.05 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued)

1. Mr. HAGOSS (Ethiopia) said that the Ad Hoc Committee had before it a new non-paper on the stages of the United Nations Conference on the Indian Ocean. While that text was not perfect, it did attempt to reconcile the positions of the delegations that had participated in the informal consultations. It proposed that representation at the Conference should be at an appropriately high political level, and that its main objective should be consultations between the littoral and hinterland States of the Indian Ocean and the permanent members of the Security Council and major maritime users of the Indian Ocean, with a view to, inter alia, adopting a report containing modalities and programmes of action for finalizing an international agreement and the adoption of other practical measures for the maintenance of the Indian Ocean as a zone of peace. The non-paper also proposed that the nature of the second and third stages of the Conference should be decided at Colombo. The objective of the second stage should be to negotiate and finalize "international agreement(s) [with binding arrangements] for the establishment and maintenance of the Indian Ocean as a zone of peace", while the main task of the third stage could be "the signing of the international agreement(s) at the level of plenipotentiaries".

2. Participants in the informal consultations expected the Ad Hoc Committee to make proposals on the subject of documentation for the Conference in its own report.

3. Mr. JAIN (India) said that while the non-paper was replete with redundancies and omitted many points, it represented an effort at conciliation. His delegation had accepted it in a spirit of give and take, in order to facilitate the expeditious discharge by the Committee of its mandate.

4. Ms. COURTNEY (Australia) suggested that the presentation of the non-paper would be more logical if the third paragraph were appended to the fourth. It was important for the Committee to reach agreement at the current meeting, so that she could submit a definitive text to her Government for approval.

5. Mr. JAIN (India) said that the second sentence of the first paragraph should mark the beginning of a new paragraph.

6. Mr. HAGOSS (Ethiopia) said that since the delegation of the Soviet Union had not participated in the informal discussions and had expressed its wish to see the text arising from those discussions, he would welcome its views.

7. Mr. OVANESOV (Union of Soviet Socialist Republics) said that the views of his delegation remained unchanged. There was need for greater clarity with respect to the words "binding arrangements" in the penultimate paragraph, and his delegation did not believe that consultations were an appropriate goal of the Conference. In the first stage, the Conference should elaborate a set of basic principles, and in the later stages, concentrate on giving effect to them.

8. Mr. JAIN (India) said that "consultations" in the non-paper did not mean consultations for the sake of consultations, but rather consultations for a clear purpose based on the agenda that had already been agreed by the Committee for recommendation to the Conference. The concept was not unusual, and was derived from the 1971 Declaration of the Indian Ocean as a Zone of Peace. While the point of the delegation of the Soviet Union was well taken, its concerns had already been taken into account in the text as drafted.

9. Mr. HAGOSS (Ethiopia) suggested that the word "consultations" in the third sentence of the non-paper should be replaced by "deliberations", and that the word "principles" should be inserted after "containing" in the same sentence. He further suggested that the order of ideas in the sentence should be inverted so that the adoption of a report containing principles, modalities and programmes of action became the main objective to be achieved through deliberations between the parties. There was no need, in his view, for an explicit reference to binding agreements, since that concept was an inherent aspect of international agreements.

10. Ms. COURTNEY (Australia) said that in the first paragraph of the non-paper, reference to the participants in the consultations should be omitted. She reiterated her earlier proposal for the relocation of the third paragraph.

11. Mr. SHA Zukang (China) said that his delegation still had doubts about the appropriateness of the word "consultations". The objective of the Conference should not be merely to hold consultations. He suggested that the third sentence of the non-paper should be amended to read: "Its main objective will be the adoption of a report containing modalities and programmes of action for finalizing an international agreement and the adoption of other practical measures for the maintenance of the Indian Ocean as a zone of peace". If necessary, the words "through consideration between the littoral and hinterland States of the Indian Ocean, the permanent members of the Security Council and major maritime users of the Indian Ocean" could be then appended. His delegation would welcome the views of the delegations of India and the Soviet Union.

12. Mr. JAIN (India) said that he was discouraged by the considerable number of changes proposed. His delegation could accept either the Ethiopian or the Chinese proposal, but if the Committee chose to reverse the order, replacing "maintenance of the Indian Ocean ..." with "implementation of the Declaration", any resulting ambiguities should be removed.

13. Mr. HAGOSS (Ethiopia) proposed the following version of the third sentence, based on an earlier Iranian draft and consultations with the Soviet representative:

> "Its main objective, based on deliberations among States, particularly between littoral and hinterland States of the Indian Ocean, the permanent members of the Security Council and major maritime users of the Indian Ocean, would be, inter alia, the adoption of a report containing principles, modalities and programmes of action for finalizing an international agreement and the adoption of other practical measures for the maintenance of the Indian Ocean as a zone of peace".

14. The phrase "with a view to" had been deleted in the interest of establishing a link between the objectives of the first stage of the Conference and its ultimate goal. The word "principles" had been added at the suggestion of the Soviet representative.

15. Ms. COURTNEY (Australia) asked whether there was any real difference in meaning between "deliberations" and "consultations". In her delegation's view, it was not helpful to add "particularly" before a specific reference to the participants in the Conference. It would be preferable to remove all references to participants, and elaborate on the question in the rules of procedure.

16. Mr. OVANESOV (Union of Soviet Socialist Republics) suggested deleting "inter alia" in order to focus on the main objective, which was the adoption of a report.

17. Mr. JAIN (India) said that his delegation recognized the constructiveness of the Ethiopian proposal, which was based on input from the Iranian and Soviet delegations. None the less, it did not address the concerns of his delegation. In particular, the deletion of "inter alia" would shift the focus unless there was an explicit reference to the 1971 Declaration which the Conference was supposed to implement. The phrase "inter alia" was useful because "consultations" subsumed a number of items in the provisional agenda of the Conference (e.g., items 11 to 14 in document A/AC.159/L.106).

18. The CHAIRMAN said that perhaps members of the Committee should decide whether they wished to complete their work during the current session or carry it over into 1992.

19. Mr. HAGOSS (Ethiopia), referring to the text of the third sentence, which he had read out earlier, suggested deleting "among States, particularly" and adding "and other States" after "major maritime users of the Indian Ocean". The question of whether to include "inter alia" remained to be settled.

20. Ms. COURTNEY (Australia) said that that did not quite address the concerns of her delegation, which would prefer the wording "based on deliberations among participating States". The question of participating States could then be dealt with separately in the rules of procedure.

21. Mr. MAHMOOD (Pakistan) said that his delegation would prefer the words "deliberations between the littoral and hinterland States of the Indian Ocean and all other interested States ...".

22. Mr. SHA Zukang (China), replying to the question raised by the Chairman, said that the Committee should complete its work at the current session. His delegation also hoped that discussion on the stages of the Conference would not be prolonged any further. All the proposals put forward thus far were drawing the Committee closer to consensus, and delegations should realize that it would never be possible to reach a solution that was fully satisfactory to everyone. In a spirit of give and take, Committee members should accept the Ethiopian text; doing so would not necessarily affect their individual positions.

23. Mr. NAIMI-ARFA (Islamic Republic of Iran) suggested the following change in the Australian amendment, as a way out of the impasse: "based on deliberations among participating States, including littoral and hinterland ...". The remainder of the text proposed by Ethiopia would be unchanged.

24. Ms. COURTNEY (Australia) agreed to the Iranian proposal.

25. Mr. KRASULIN (Union of Soviet Socialist Republics) pointed out that it was not certain that all the permanent members of the Security Council would attend the Conference at Colombo.

26. Mr. JAIN (India) observed that the Committee was moving away from consensus with each new proposal. Perhaps another round of informal consultations was necessary.

27. The CHAIRMAN invited the Committee to consider draft rule 32 of the rules of procedure, concerning decision-making, proposed by the Ethiopian delegation. The summation of the consideration of the draft rules was contained in the annex to document A/AC.159/L.109.

28. Mr. HAGOSS (Ethiopia) said that there had been three bracketed portions in his delegation's initial draft. One had been in paragraph 1, and another in paragraph 2, where brackets had been placed around "provided that such majority shall include at least a majority of the States participating in the Conference". There had been still another bracketed provision to that effect in paragraph 6. In the negotiations, it had been decided that if the Committee agreed to delete the bracketed provision from paragraph 6, a similar phrase would appear in paragraph 2 without brackets, and the brackets in paragraph 1 would be retained. Since the question of a quorum was procedural, it should not be merged with the question of decision-making, especially decision-making by consensus.

29. Mr. MAHMOOD (Pakistan) reiterated his delegation's position that it could not accept the inclusion of the disputed phrase in paragraph 2 without brackets.

30. Mr. HAGOSS (Ethiopia) said that he was aware of that position. What he had suggested represented a compromise resulting from negotiations in the Committee. The delegation which had agreed to delete the bracketed phrase from paragraph 6 had made that concession in exchange for inclusion of the phrase at the end of paragraph 2.

31. The CHAIRMAN requested the Ethiopian representative to work towards achieving a consensus, during the informal consultations, on both the issue of the stages of the Conference and rule 32 of the rules of procedure.

32. Ms. COURTNEY (Australia) said her delegation continued to believe that the final report, if it was to be meaningful, must be adopted by consensus. Therefore, it could not agree to the removal of the bracketed portion in paragraph 1 of rule 32. In paragraph 2, the very definition of "representatives present and voting" made the concept of a majority of the States participating a mathematical absurdity.

33. Mr. JAIN (India) said that it had been his delegation's clear understanding the day before that there was no objection to draft rule 32 as proposed by Ethiopia. It was therefore extremely surprising to see delegations not only commenting on aspects of rule 32 which had already been agreed to, but also expressing positions that were contradictory. The concept of a two thirds majority set forth in paragraph 2 was far less restrictive than the idea of consensus. It did not seem logical that a delegation which supported the principle of adoption by consensus should describe a two-thirds majority as a mathematical absurdity.

34. Ms. COURTNEY (Australia) pointed out that, under the formula contained in paragraph 2, there could be an impasse even when a clear trend had emerged. For example, if 10 countries participated in a vote - 4 in favour, 1 against and 5 abstaining - there would be no decision, even though the majority had voted in favour.

35. Mrs. MULAMULA (United Republic of Tanzania) stressed that her delegation would participate in the informal consultations only on the understanding that any agreement reached would not be subject to further debate at the formal meetings.

The meeting rose at 5.30 p.m.

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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 404th MEETING

Held at Headquarters, New York,
on Wednesday, 10 July 1991, at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

CONTENTS

Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77

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The meeting was called to order at 10.50 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (A/AC.159/L.74, L.106, L.111 and L.112)

1. The CHAIRMAN said that, in a recent informal meeting the representative of Ethiopia had indicated that he intended to hold informal consultations on the question of the stages of the United Nations Conference on the Indian Ocean and on rule 32 of the provisional rules of procedure, with respect to which the representative of Australia had expressed a number of reservations in a formal meeting. A further non-paper on the stages of the United Nations Conference on the Indian Ocean had been circulated to delegations and, as the representative of Ethiopia had indicated, it enjoyed the support of all the delegations which had taken part in the informal meeting. The representative of Ethiopia would be submitting the non-paper for consideration and would report on the outcome of the informal meeting held the previous day.

2. He drew the attention of members to document A/AC.159/L.112, which would enable to Committee to complete its work on the substantive elements. The Committee's work on the provisional rules of procedure would be completed once agreement was reached on rule 32. Consideration of the question of the stages of the United Nations Conference on the Indian Ocean would also be completed once the representative of Ethiopia introduced the non-paper for consideration. Since the matter had been considered exhaustively in both informal and formal meetings and since there was general agreement on it, he proposed that the non-paper should be regarded as enjoying general support and that the Committee should bring to the attention of the Conference, if necessary, any divergent views on the non-paper. That was the only practical way for the Committee to conclude its work expeditiously. The draft resolution to be submitted to the General Assembly was currently being considered within the Group of Non-aligned Countries. A document containing part of the Committee's draft report had been circulated to delegations. A number of delegations had indicated to the Chairman that it would be desirable to include in the report additional information on the consideration of substantive questions and on a number of different points of view.

3. Mr. HAGOSS (Ethiopia) said that delegations had, indeed, succeeded in reaching agreement on the non-paper which had just been circulated. However, in view of the fact that one delegation had to await instructions from its Government and another had expressed a number of reservations with respect to the non-paper, he proposed that the non-paper should be considered at the afternoon meeting so that it would enjoy general support when it was formally introduced for consideration.

4. The CHAIRMAN concurred with the proposal by the representative of Ethiopia.

5. Ms. COURTNEY (Australia), referring to the proposal by a number of delegations to provide further details in the report on the consideration of substantive questions and on the various points of view, expressed doubt about the desirability of dealing with those aspects in the report. The usual practice for reports was to present factual information and provide clarifications regarding technical aspects of work at a particular session. Information on substantive questions and an account of the discussion was, in accordance with that practice, presented in the summary records of the meetings. If the proposal was adopted, the Committee would not be able to complete its work by the end of the session.

6. The CHAIRMAN thanked the representative of Australia for her valuable comments and said that they would be considered when the Committee took up the draft report. He further suggested that the members of the Committee turn to the individual sections of the draft report in their current form and asked whether any delegation wished to comment on the first paragraph of document A/AC.159/L.111. If there was no objection, he would take it that the Committee wished to adopt paragraph 1.

7. It was so decided.

8. The CHAIRMAN invited delegations to comment on paragraph 2 of the draft report.

9. Mr. JAIN (India) said that, in his opinion, in the English text of paragraph 2, the definite article should be used before the words "first session" and before the words "second session". He proposed that in the last sentence of paragraph 2 the words "a number of" should be replaced by "some" or "a few". Alternatively, the sentence could be reworded to read: "The Committee held ____ formal meetings as well as informal meetings during 1991".

10. The CHAIRMAN said he found merit in the proposal by the representative of India that the definite article should be used in paragraph 2 and suggested that the proposal should be brought to the attention of the Secretariat. He invited the comments of delegations with regard to the second proposal by the representative of India.

11. Mr. HAGOSS (Ethiopia) said that the exact number of formal meetings was already known. The number of informal meetings was a more complicated matter, however. He proposed that the exact number of formal meetings should be given, but that a vaguer wording, avoiding the use of the words "a number of", should be used with respect to the number of informal meetings.

12. The CHAIRMAN said that the four possible variants would be referred to the Secretariat. If there was no objection, he would take it that the Committee adopted paragraph 2.

13. It was so decided.

14. The CHAIRMAN invited delegations to state their views with regard to paragraph 3 of the draft report.

15. Mrs. MULAMULA (United Republic of Tanzania), referring to the last sentence in paragraph 3 of the report, where it was stated that "Sweden continued to attend the meetings of the Ad Hoc Committee as an observer", asked whether that had actually been the case.

16. The CHAIRMAN said that, as he had been informed by the Secretary of the Committee, Sweden's position was the same as that of those countries which were not participating in the work of the Committee. As far as the current session was concerned, a representative of the Swedish delegation had not attended any of the Committee's meetings.

17. Ms. COURTNEY (Australia) said that Sweden was an observer and that Sweden's position was not the same as that of the States which were not participating in the work of the Committee. Obviously, it would be useful to remind the representative of Sweden of the need to attend meetings of the Committee and it was likely that he would attend before the end of the session. There would then be grounds for including the last sentence of paragraph 3 in the report.

18. Mr. HAGOSS (Ethiopia) said that there were specific procedures governing the participation of observers in meetings of organs. They were required to indicate in a note verbale their desire to participate as observers in the work of a given body. And they, like other delegations, had to give such notification each year.

19. Mr. JAIN (India) endorsed the remarks of the representative of Ethiopia.

20. The CHAIRMAN said that, with regard to the participation of Sweden as an observer in the meetings of the Committee, the usual procedure to which the representative of Ethiopia had referred would be followed. Until such time as the established procedure was complied with and a note verbale received, there were no grounds for including the final sentence of paragraph 3.

21. Ms. COURTNEY (Australia) said that, in her view, Sweden was not required to confirm its status as an observer each year, since its participation in that capacity had been dealt with in General Assembly resolution 34/80 B. The only point at issue was whether the representative of Sweden had actually taken part in the meetings of the Committee. She hoped that the Senior Adviser might be able to shed some light on the matter.

22. Mr. RAKOTONDRAMBOA (Madagascar), Rapporteur, said that he had drawn attention to the question of the participation of the Swedish delegation as an observer and pointed out that, at the Committee's spring session, the Chairman had instructed him to telephone the representatives of all countries that were members of the Committee which had not sent representatives to participate in the Committee's work. He had done that, and at the next meeting a representative of Sweden had been present, and he (the Rapporteur) had even

(Mr. Rakotondramboa, Madagascar)

had a conversation with him. The representative of Sweden had informed him that, in view of the small staff of the Swedish Mission, it would not be possible for a representative to attend every meeting. Accordingly, he could attest to the fact that the representative of Sweden had participated in at least one meeting of the Committee.

23. Mrs. MULAMULA (Tanzania) said that the Rapporteur had raised an interesting question. Usually, the Secretariat sent written notification of the holding of any meetings of United Nations organs and requested a list of the representatives who were to take part in the meetings. The fact that the Rapporteur had had to contact representatives by phone was, in her view, at variance with the usual procedure. She did not know whether he had contacted the Tanzanian Mission, but she personally had not received any official written notification. It was possible that the Committee Secretariat worked according to procedures other than the usual ones, but she had been waiting to receive written notification.

24. Mr. KHERADI (Senior Adviser) said that the Rapporteur had replied in sufficient detail to the question raised by the representative of Australia, in that he had explained that he had contacted the Swedish delegation and even the Swedish representative. Committee members knew that Sweden was a permanent observer to the Committee, a fact that had been indicated repeatedly in the Committee's reports. Turning to the question raised by the representative of Tanzania, the Committee's practice had been to first give notice of Committee meetings in the Journal, but the names of participants had to be obtained for publication in the corresponding document. The Committee Secretary would undoubtedly take that question into account if a new procedure had to be introduced.

25. Mr. JAIN (India) said that his delegation had no doubts whatsoever about Sweden's status as a permanent observer. The Rapporteur had confirmed that the representative of Sweden had attended one of the Committee's meetings, and that sufficed for the purposes of the report. However, the representative of Australia, in her statement, had referred to General Assembly resolution 34/80 B and had said that Sweden's participation in the Committee's work was based on that resolution. He noted that resolution 34/80 B, the text of which he did not have in front of him, contained no instructions whatsoever on that score. Either the representative of Australia should clarify the issue or the Senior Adviser should explain on the basis of precisely which resolution Sweden had been granted observer status.

26. Mr. BANDARA (Sri Lanka) said that the wording of paragraph 3 should be retained. Concerning Sweden, it would seem to be enough to indicate, in an appropriate manner, that Swedeb remained a permanent observer.

27. The CHAIRMAN noted that Sweden had participated in at least one of the Committee's meetings and had observer status. He asked members of the Committee whether, in their view, the Secretariat should be instructed to draft wording that reflected that aspect.

28. Mr. BANDARA (Sri Lanka) said that, in his delegation's view, what was at issue was membership in the Committee, not participation in its meetings.

29. Mr. HAGOSS (Ethiopia) proposed that paragraph 3 should be divided into two subparagraphs. Subparagraph (a) could be headed "Members" and contain a list of States members of the Committee, and subparagraph (b) could be headed "Observers" and contain a reference to Sweden.

30. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to the Ethiopian proposal.

31. It was so decided.

32. The CHAIRMAN drew attention to paragraph 4 of the draft report.

33. Mr. JAIN (India) said that the wording of paragraph 4 did not reflect the fact that Mr. Kalpage had been elected Chairman of the Committee at the first meeting of the April session. The usual practice was to include information on such elections in the introduction to the draft report.

34. Concerning paragraph 3, he would like to receive, at an appropriate moment, an answer to the question raised by his delegation.

35. Ms. COURTNEY (Australia) said that the wording of paragraph 4 should remain as it was. One had only to refer to item 2, Election of the Chairman, and item 3, Election of the Vice-Chairman, of the agenda contained in paragraph 5 to find confirmation of the fact that elections had taken place.

36. Mr. JAIN (India), recalling the statement by the representative of Australia that the draft report should focus on the technical aspects of the Committee's work, expressed surprise that Australia should consider it inappropriate to consider the technical aspects of paragraph 4. The fact that there had been elections should be reflected somehow in the draft report by referring to the meeting of the April session at which such elections had taken place.

37. Mr. HAGOSS (Ethiopia) referred to the corresponding wording on that question in document A/45/29 and said that it would be advisable to follow earlier practice.

38. Mr. JAIN (India) said that the wording in document A/45/29 had been appropriate to the situation in 1990, when the composition of the bureau had been the same as for 1989. In 1991, however, changes had occurred which should be reflected in the draft report.

39. Mr. HAGOSS (Ethiopia) noted that the wording in document A/45/29 did not reflect the details of the election procedure; it simply noted which specific officers had been elected, without touching on the technical aspects.

40. Mr. ZIMBA (Mozambique) said that the Committee should not go on discussing the issue. The Senior Adviser could tell the Committee members what the earlier practice had been for drafting the corresponding wording, and the Secretariat could deal with the issue. Concerning the changes in the bureau, any mention of those changes in the the draft report would have to be accompanied by a reference to the change of Vice-Chairman, a position previously held by the representative of the German Democratic Republic.

41. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to follow earlier practice with regard to the wording of paragraph 4.

42. It was so decided.

43. The CHAIRMAN drew the Committee's attention to paragraph 5 and said that, if he heard no objection, he would take it that the Committee agreed to the wording of that paragraph.

44. It was so decided.

45. The CHAIRMAN drew attention to paragraph 6 and said that, if he heard no objection, he would take it that the Committee agreed to the wording of that paragraph.

46. It was so decided.

47. The CHAIRMAN drew attention to the wording of the heading of section B of the draft report.

48. Mr. NAIMI-ARFA (Islamic Republic of Iran) proposed that the words "United Nations" should be inserted after the words "convening of the" in the English version of the draft report.

49. Ms. COURTNEY (Australia) referred to the previous report and proposed that the wording of the heading should not be changed.

50. The CHAIRMAN, having sought the views of the representative of Iran and having heard no objection, said that the wording of the heading of section B would remain as it was. He proposed that the Committee move on to paragraph 7 of the draft report.

51. Mr. JAIN (India) said that there was an unintentional discrepancy between paragraph 7, which had been correctly worded, and paragraph 8, since the consideration of the draft provisional rules of procedure of the Conference, referred to in paragraph 7, was an integral part of item 6 of its agenda, dealt within paragraph 8. The Secretariat should therefore reword those paragraphs in order to eliminate that discrepancy.

52. The CHAIRMAN said that the Secretariat would take measures to coordinate the wording of paragraphs 7 and 8. If there were no other comments on paragraph 7, he would take it that the Committee approved the wording of that paragraph.

53. It was so decided.

54. The CHAIRMAN drew attention to paragraph 8 and said that, if there were no comments, he would take it that the Committee approved the wording of that paragraph.

55. It was so decided.

56. The CHAIRMAN drew attention to paragraph 9 and said that, if there were no comments, he would take it that the Committee approved the wording of that paragraph.

57. It was so decided.

58. The CHAIRMAN drew attention to paragraph 10 and said that, if there were no comments, he would take it that the Committee approved the wording of that paragraph.

59. It was so decided.

60. The CHAIRMAN drew attention to the heading of section C and said that, if there were no comments, he would take it that the Committee approved its wording.

61. It was so decided.

62. The CHAIRMAN drew attention to paragraph 11 and suggested that the date for the holding of the meeting should be deleted and replaced by a blank. If there were no comments, he would take it that the Committee approved the wording of that paragraph.

63. It was so decided.

64. The CHAIRMAN drew attention to paragraph 12 and said that, if there were no comments, he would take it that the Committee approved the wording of that paragraph.

65. It was so decided.

66. The CHAIRMAN drew attention to the notes to the draft report and said that, if there were no comments, he would take it that the Committee approved the wording of the notes.

67. It was so decided.

68. The CHAIRMAN said that the Committee had approved the wording of the draft report, which would be updated, and he asked delegations to comment on the advisability of resubmitting the draft report in its final form or transmitting it to the Secretariat.

69. Mrs. MULAMULA (United Republic of Tanzania) said that there was no need to resubmit the draft report. In the opinion of her delegation, the report had not yet been finalized, since it did not reflect the stages of the Committee's work. Considerable progress had been made with respect to the rules of procedure and the substantive elements and questions, and the report should contain recommendations to the General Assembly. It was, therefore, not advisable to leave the decision on those issues to the discretion of the Secretariat. A decision should be taken to include in the draft report information on the substantive work completed by the Committee.

70. The CHAIRMAN requested the senior adviser to give his views regarding the need for the Committee to prepare the draft final report of the Conference.

71. Mr. KHERADI (Senior Adviser) said that paragraph 7 of General Assembly resolution 41/87 of 4 December 1986 stated that preparatory work would comprise, inter alia, the preparation of the draft final document of the Conference. Experience had shown that international conferences, such as the special sessions of the General Assembly devoted to disarmament, adopted a final document in one form or another, which summed up the results of their work, as well as a declaration. The experience gained in preparing the final document of the Meeting of the Littoral and Hinterland States of the Indian Ocean could serve as a model. In the case of that Conference, the Ad Hoc Committee had given attention to the preparation of a draft final document, and certain parts of that document, as well as other parts contained in square brackets, had been transmitted to the Conference for consideration.

72. The CHAIRMAN stressed that the issue at hand was whether the Committee should deal with the drafting of a final document during its preparatory work or whether it should leave the preparation of that document to the Conference itself.

73. Mr. JAIN (India) said that, before the Conference began, the Committee should complete its preparatory work on specific organizational and substantive issues. Therefore, in the opinion of his delegation, the Committee should also consider the preparation of the draft final document of the Conference. However, his delegation was prepared to go along with the general consensus of the Committee on the issue.

74. Mr. HAGOSS (Ethiopia) said that since, during the discussions, the question of preparing a draft final document had proven too complicated, it had been decided that the Committee should instead prepare a list of substantive elements for consideration at the Conference to be used in the drafting of a final document (A/AC.159/L.112).

75. Ms. COURTNEY (Australia) fully agreed with the opinion of the representative of Ethiopia and, moreover, observed that, in the non-paper dealing with the stages of the Conference, it had been decided to hold consultations and discussions on the results of which a report would be prepared. Therefore, the report should be prepared during the Conference itself.

76. The CHAIRMAN said that there was a general consensus that there was no need for the Committee to prepare the draft final document of the Conference, and suggested the Committee should proceed to hold informal consultations in accordance with rule 32 of the draft rules of procedure.

The meeting rose at 12.05 p.m.

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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 405th MEETING

Held at Headquarters, New York,
on Wednesday, 10 July 1991, at 3 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77

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The meeting was called to order at 3.50 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUION 45/77 (continued) (A/AC.159/L.61, L.74 and L.109)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77

1. The CHAIRMAN said that it would not serve any purpose to reopen the discussion on the stages of the Conference on the Indian Ocean and expressed the hope that the Committee could adopt the Ethiopian non-paper formulated on the basis of the informal discussions held following the adjournment of the 403rd meeting. Views diverging from the text could be included in an agreed manner in the paper to be transmitted to the Conference.

2. Mr. HAGOSS (Ethiopia) said that he had held further consultations earlier in the day with delegations which continued to have concerns about the most recent non-paper on the stages of the Conference. In particular, he had hoped to be able to take the concerns of the Soviet delegation into account. However, all delegations which had participated in those further consultations had felt that to reopen the discussion would mean opening a Pandora's box. The Australian delegation had agreed to go along with the text if its observations could be recorded in some manner in the document to be transmitted to the Conference. The representative of Pakistan had informed him that he was awaiting his Government's instructions regarding the text.

3. The text under consideration commanded the general support of the Committee and he hoped that it would be adopted.

4. He had also held informal discussions regarding his delegation's informal paper on rule 32 of the provisional rules of procedure. It had been decided to retain, in paragraph 1, the square brackets surrounding the words "Except for the adoption of the substantive parts of the report of the Conference which shall be by consensus". The delegation of India had agreed that, instead of removing the square brackets in paragraph 2 surrounding the phrase "provided that such majority shall include at least a majority of the States participating in the Conference", the comparable reference in paragraph 6 could be deleted.

5. He would have liked to conduct further consultations on the text, but the key interested parties had indicated that they would be compelled to introduce amendments if the discussion were reopened. He expressed his appreciation to all who had cooperated in the consultations.

6. Mr. JAIN (India) said that his delegation had participated in the informal consultations following the adjournment of the 403rd meeting on the understanding - accepted by the Committee at that meeting - that the text which emerged from those consultations would be final.

7. Mr. KRASULIN (Union of Soviet Socialist Republics) said that his delegation had difficulties with the final non-paper of the Ethiopian delegation on the stages of the Conference and wished to place square brackets around certain portions of the text, a procedure which was entirely in keeping with United Nations practice. In the third sentence of the first paragraph, square brackets should be placed around the phrase "based on consultations and deliberations between the littoral and hinterland States of the Indian Ocean and the permanent members of the Security Council and major maritime users of the Indian Ocean,". The words "inter alia" in the same sentence should be placed in brackets. In the fifth paragraph, square brackets should be placed around the word "appropriate", and the word "[binding]" should be inserted before the word "arrangements".

8. He was dismayed by the attempts made to belittle the significance of the Conference, weaken its substance and undermine the process of reaching decisions by consensus. Departure from the consensus approach was what had prompted delegations to withdraw from the Committee. His delegation could not accept the suggestion that the Ethiopian non-paper should be adopted as it stood and that States could express divergent views in the text in some fashion.

9. His delegation supported the convening of the Conference, but would have to draw the appropriate conclusions if attempts to obstruct the Committee's established procedure continued.

10. Mr. JAIN (India) said that he could accept the adoption of the text without any square brackets, as had been agreed the preceding evening. To add square brackets would only highlight the divergence of views in the Committee and would send the wrong signal to the Conference.

11. The CHAIRMAN said that, in the absence of a consensus, either square brackets had to be placed around the contentious portions of the text or the views of delegations which disagreed with the final text would have to be reflected in the paper, for example, in footnotes.

12. Mr. JAIN (India) endorsed the views expressed by the Chairman. It was important for the Committee to reach agreement on the non-paper in order to conclude its work. The reservations of delegations should, however, be reflected in the non-paper and the past practice of the Committee should be followed. While he would accept the use of an asterisk to indicate the reservations of specific delegations, he could not accept the use of square brackets since they would not indicate the extent of the disagreement.

13. Mr. SHOUKRY (Egypt) supported the use of brackets, a common device used previously by the Committee. With regard to rule 32, however, he did not agree with the use of a footnote to indicate dissenting views and hoped that, despite the divergent views, the Committee would be able to reach agreement on the text.

14. Ms. COURTNEY (Australia) questioned the need for the phrase in the proposed first square brackets in the non-paper since the question of consultations had already been dealt with in the rules of procedure. Similarly, the words "inter alia" in the first paragraph, for which square brackets were being proposed, could be omitted.

15. Mr. MFULA (Zambia) said that according to his understanding of United Nations practice footnotes were appropriate to indicate reservations by delegations on matters that were not substantial. However, the delegation of the Soviet Union had serious reservations about the phrases in question and square brackets would therefore be more appropriate. He supported the Australian proposal that the texts for which square brackets were being proposed should be omitted.

16. The CHAIRMAN asked whether any delegation objected to the deletion of the phrases for which square brackets were being proposed.

17. Mr. JAIN (India) objected to the deletion of those phrases.

18. The CHAIRMAN said that given the objection of the delegation of India there was no need for further discussion on the removal of the texts for which square brackets had been proposed.

19. Mr. MFULA (Zambia) agreed to the use of square brackets.

20. Mr. CURE (Mauritius) suggested that asterisks be used instead of square brackets in the first paragraph.

21. Mr. KRASULIN (Union of Soviet Socialist Republics) remarked that the Committee was faced with a new situation. The delegation objecting to the removal of the text which it was proposed to place in square brackets might wish to accept a footnote in the non-paper indicating such objection.

22. Mr. HAGOSS (Ethiopia) said that a footnote had been used to paragraph 18 (b) of the Final Document of the Meeting of the Littoral and Hinterland States of the Indian Ocean (A/34/45) to indicate the reservations of some delegations. In his view asterisks and square brackets were equally valid devices to express the reservations of delegations.

23. Mr. JAIN (India) said that he did not understand why the Soviet and Mauritian representatives had said that only one delegation would not accept the deletion of certain phrases. His delegation had indicated that it would remain flexible, in the belief that that would be more helpful than taking a particular stance. His delegation would consider allowing the Chairman to decide whether to use brackets or asterisks, but would not commit itself until it had heard the views of other delegations.

24. Ms. COURTNEY (Australia) said that the use of asterisks was out of the question and would not accurately reflect what had taken place at the meeting. Indeed, in a number of cases, delegations would have preferred to delete certain portions to which they had assented only in a spirit of compromise. As the Committee took action strictly by consensus, one objection meant no agreement. Therefore, the only option, short of deletion, was to bracket the text in question.

25. Mr. MAHMOOD (Pakistan) agreed that the use of brackets would be preferable to singling out delegations by asterisks.

26. Mr. JAIN (India) said that so long as the Committee was adding brackets in some cases, his delegation would also like to have brackets placed around those phrases on which it had reservations.

27. The CHAIRMAN noted that most delegations seemed to prefer brackets to asterisks. However, at no time had the Indian delegation mentioned bracketing until the Soviet delegation had done so.

28. Mr. JAIN (India) maintained that, during two days of informal consultations, his delegation had negotiated in good faith. It seemed that a text which had been agreed to as a result of those consultations would no longer win a consensus unless parts were bracketed to indicate the reservations of delegations. His delegation had had reservations in certain cases, but had agreed to the inclusion of such parts in a spirit of compromise. However, if, in the first paragraph of the non-paper, the phrase "based on consultations ... major maritime users of the Indian Ocean" was to appear in brackets, in all fairness, the part beginning "the adoption of a report ..." until the end of the sentence, should also appear in brackets.

29. Ms. COURTNEY (Australia) pointed out that the Committee had already adopted the sentence by consensus in its provisional agenda.

30. Mrs. MULAMULA (United Republic of Tanzania) suggested that the problem might be solved by deleting the entire sentence and simply indicating that the work of the Conference would be based on the provisional agenda.

31. Mr. CURE (Mauritius) suggested using an asterisk to indicate exceptions without necessarily specifying the delegation concerned.

32. The CHAIRMAN recalled that those options had already been considered but had not been agreed to by all delegations. It would therefore be more expeditious to proceed by using brackets where necessary.

33. If he heard no objection, he would take it that the Committee wished to adopt the non-paper on the stages of the Conference, placing brackets, in the first paragraph, around the words "based on consultations and deliberations between the littoral and hinterland States of the Indian Ocean", "inter alia", "the adoption of a report containing modalities and programme of actions for

(The Chairman)

finalizing an international agreement and the adoption of other practical measures for the maintenance of the Indian Ocean as a zone of peace" and, in the fifth paragraph, "appropriate", immediately followed by the word "binding" which would also appear in brackets.

34. It was so decided.

35. The CHAIRMAN invited the Committee to consider the text on decision-making, consensus and majority required (A/AC.159/L.109) which emanated from informal consultations.

36. Mr. HAGOSS (Ethiopia) remarked that the text was self-explanatory. Certain delegations had felt that if brackets appeared in paragraph 1 around the phrase "except for the adoption of the substantive parts of the report of the Conference which shall be by consensus", then, in paragraph 2, the words "provided that such majority shall include at least a majority of the States participating in the Conference" should also be bracketed. As he had indicated, in the informal consultations, it had been agreed that the brackets would be removed from the phrase in paragraph 2 in exchange for the deletion of a similar formulation from paragraph 6.

37. Ms. COURTNEY (Australia) said that the bracketed portion of paragraph 1 continued to be important to her delegation. For the sake of consistency, if that bracketed portion was retained, then the phrase "including the substantive parts of the report" should either be deleted or placed in brackets as well. In paragraph 2, it would be logical to bracket the phrase in question, which, in any case, was not mathematically logical.

38. The CHAIRMAN agreed, adding that perhaps the addition of "other" before "substantive decisions" would clarify the sentence. Since the text had to be adopted by consensus, the Committee would have to agree to include brackets in paragraph 2, if the Australian delegation so requested.

39. Mr. HAGOSS (Ethiopia), supporting the Australian proposal on paragraph 1, suggested deleting "including the substantive parts of the report". That would clarify the sentence, which would then contain only one bracketed portion.

40. The CHAIRMAN requested confirmation that Committee members wished to retain the bracketed portion at the beginning of paragraph 1.

41. Mr. HAGOSS (Ethiopia) said that there was no choice but to retain it, as that was the wish of one delegation.

42. Ms. COURTNEY (Australia) supported the addition of "other" before "substantive decisions", as proposed by the Chairman.

43. Mr. JAIN (India) noted that, should the Conference decide to delete the bracketed portion of paragraph 1, the remainder of the sentence would not make sense and the meaning of "other" would not be clear.

44. The CHAIRMAN said that he had proposed placing brackets around both phrases for that very reason, and also in order to give the Conference the widest possible choice.

45. Mr. HAGOSS (Ethiopia) said that the Committee should not submit a sentence which included contradictory elements. If the Conference decided to delete any portion of the sentence, it would certainly be able to make the necessary editorial changes.

46. Ms. COURTNEY (Australia) agreed.

47. Mr. YOUSIF (Sudan) agreed with the remarks of the Indian representative concerning paragraph 1 and suggested placing the word "other" in brackets as well.

48. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt paragraph 1 and place brackets around the words "except for the adoption of the substantive parts of the report of the Conference which shall be by consensus" and "other".

49. It was so decided.

50. Mrs. MULAMULA (United Republic of Tanzania) and Mr. MFULA (Zambia) asked whether the word "simple" would precede "majority" in paragraph 2, as the representative of Yemen had proposed. That slight addition would make the sentence clearer.

51. Mr. JAIN (India) said that the deletion in paragraph 6 had been agreed to on the understanding that the brackets would be removed from paragraph 2. If those brackets were reintroduced, then the bracketed portion of paragraph 6 of rule 32 of the rules of procedure, as it appeared in document A/AC.159/L.109, should also be restored.

52. Mr. HAGOSS (Ethiopia) confirmed that those had been the terms negotiated in the informal consultations. The only unconditional deletion agreed to had been that of "simple" before "majority" in paragraph 2.

53. Mr. JAIN (India) said that it had been his delegation's understanding that, according to the compromise reached, no part of paragraph 2 would be placed in brackets, and that a decision to that effect had been formally adopted by the Committee at a previous meeting. It was improper to reopen a debate on an issue which had been formally settled.

54. The CHAIRMAN said that the Secretary of the Committee had confirmed that there was no record of a formal decision on the matter.

55. Mr. JAIN (India) said that the inclusion of brackets in paragraph 2 would nevertheless mean that the Committee had decided not to adhere to the compromise which the paper under consideration represented. It should have been possible to agree on final versions of paragraphs 2 and 6 of rule 32, and his delegation was willing to negotiate further in order to avoid the inclusion of brackets, but would not stand in the way of the Committee's work if India's proposals were unacceptable.

56. With respect to the proposed inclusion of the word "simple" before the phrase "majority of the States participating" in paragraph 2, neither the paper under consideration nor the original version of rule 32 in document A/AC.159/L.109 included the word "simple". He therefore suggested that the Committee should adhere to the current text, since the word "simple" would be redundant.

57. Mr. MFULA (Zambia) recalled that his delegation had challenged the inclusion of the last phrase of paragraph 2, which was to be placed in brackets. It had agreed to include the phrase only after the representative of Yemen had proposed the insertion of the word "simple". It had been his understanding that the word would be included, and he therefore could not agree to its omission.

58. Mr. YOUSIF (Sudan) said that the proposal to qualify the word "majority" by the word "simple" was of no real significance. The term "majority" alone would be understood to mean a simple majority in a legal interpretation of the text.

59. The CHAIRMAN said that, given the disagreement over the word "simple", it would be advisable to include it and to place it in brackets so that a final decision on the term could be taken at the Conference. If he heard no objection, he would take it that the Committee adopted paragraph 2 of rule 32 as orally revised.

60. It was so decided.

61. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee adopted paragraphs 3, 4 and 5 of rule 32 as they appeared in the text under consideration.

62. It was so decided.

63. The CHAIRMAN noted, with respect to paragraph 6, that the Indian delegation had proposed the adoption of the version in document A/AC.159/L.109, i.e. the addition, within brackets, of the phrase "provided that for a decision on any matter of substance the presence of representatives of two thirds of such States shall be required". If he heard no objection, he would take it that the Committee agreed to the Indian proposal and that it adopted rule 32, as orally revised, in its entirety.

64. It was so decided.

65. The CHAIRMAN said that the Senior Adviser had drawn his attention to item 10 of the provisional agenda for the Conference (A/AC.159/L.106), entitled "Report of the Ad Hoc Committee on the Indian Ocean in its capacity as Preparatory Committee for the Conference". According to the Chairman's interpretation, the item called for a factual account of the Committee's work since it had assumed the role of Preparatory Committee in 1979, including the number of meetings it had held in that capacity, the topics discussed and the outcome of its deliberations. The Senior Adviser had been entrusted with the drafting of such a non-controversial statement of the facts, which would be presented to the Committee for adoption before the end of its current session.

66. Mr. KHERADI (Senior Adviser) recalled that a similar report had been called for at the 1979 Meeting of the Littoral and Hinterland States of the Indian Ocean and that the report had set forth the organizational decisions and recommendations of the Committee with respect to the Meeting.

67. Mr. KRASULIN (Union of Soviet Socialist Republics) said that the issue under discussion was related to an important question concerning the Committee's mandate, namely whether its duties included the preparation of a draft report of the Conference to the General Assembly. In view of the time constraints at such conferences, it was the usual practice for preparatory committees to prepare a draft final report. If the Committee recommended to the General Assembly that the latter should convene the Conference in the summer of 1992, it should also propose to meet for two weeks in the spring of 1992 in order to prepare the draft final report for adoption at the Conference. His suggestion was not a formal proposal, but only a means of drawing attention to the issue.

68. The CHAIRMAN said that there was a distinction between the report referred to in item 10 of the provisional agenda for the Conference and the draft final document of the Conference referred to by the Soviet representative.

69. Mr. HAGOSS (Ethiopia) said that the issues raised by the Soviet delegation would be addressed in the draft resolution being prepared by the Sri Lankan delegation in consultation with the other non-aligned States. The draft resolution also related to the report of the Committee in its capacity as Preparatory Committee for the Conference.

70. Mrs. MULAMULA (United Republic of Tanzania) said that since the Soviet representative had indicated that he was not making a formal proposal, the Committee should not dwell on the point. If the General Assembly decided to convene the Conference in 1992, it would make provision for the Committee to complete all of the necessary preparatory work.

71. Mr. JAIN (India) said that the Senior Adviser had provided a pertinent reminder of an important item on the provisional agenda for the Conference. He agreed with the Chairman that the report in question should present a factual account of the Committee's preparatory work. Such a report would constitute a useful reference for participants at the Conference.

72. Ms. COURTNEY (Australia) said that the issue of the report would become clearer in light of the draft resolution being prepared and the views on the resolution expressed both by members of the Committee and by countries which no longer participated in the Committee's work. Although she was not opposed to requesting the Committee secretariat to draft a report, she feared that the exercise might prove a waste of time, because the convening of the Conference in 1992 was not yet a certainty.

73. Mr. KHERADI (Senior Adviser) said that the draft report to be prepared by the Committee Secretary would be only a broad outline of the organizational aspects of the Conference; the substance of the report would be fleshed out on the basis of decisions taken by the Committee.

The meeting rose at 6.05 p.m.

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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 406th MEETING

Held at Headquarters, New York,
on Thursday, 11 July 1991, at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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The meeting was called to order at 11 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.109 and Corr.1 and 2 and A/AC.159/L.111)

ADOPTION OF THE PROVISIONAL RULES OF PROCEDURE

1. The CHAIRMAN drew the Committee's attention to the summation of the consideration of the draft provisional rules of procedure of the Conference (A/AC.159/L.109 and Corr.1 and 2) and to the non-paper adopted the previous day on rule 32, specifying that in so doing it was in no way his intention to reopen the discussion on already agreed matters of substance. After referring to each of the rules in the draft provisional rules of procedure of the Conference on the Indian Ocean and noting that rule 32 had been approved the previous day in the form in which it appeared in the relevant non-paper, he said that if there was no objection he would take it that the Committee agreed to adopt the provisional rules of procedure of the Conference by consensus.

2. It was so decided.

3. Ms. COURTNEY (Australia), referring to section XI, said that no decision had as yet been taken regarding who was to participate in the Conference. In her delegation's view, the full members of the Conference should be the littoral and hinterland States of the Indian Ocean, the permanent members of the Security Council and other countries which were heavy users of the Indian Ocean's sea lanes. Many United Nations conferences, especially if they took place on a regional basis, were as a rule held with the participation of the States of the region and other interested States. The negotiations on the establishment of a zone of peace in the Indian Ocean should be conducted on the basis of the same principle. In her Government's view, the issue did not directly affect the other countries of the world, and it did not want them to have the right to block the possibility of arriving at any agreement, which should be adopted on a consensus basis. At the same time, it would have no objection to countries not involved with the establishment of a zone of peace in the Indian Ocean being given the opportunity of participation in the Conference as observers.

4. Mr. JAIN (India), supported by Mr. KADRAT (Iraq), re-emphasized that participation in the Conference on the Indian Ocean, as a United Nations Conference, should be open to all Member States on an equitable basis without discrimination of any kind. Certainly, the littoral and hinterland States were particularly concerned for the implementation of the 1971 Declaration. At the same time, the five permanent members of the Security Council and the other countries which were major maritime users of the Indian Ocean bore a special responsibility for promoting its implementation. Accordingly, the

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holding of the Conference in accordance with General Assembly resolution 2832 (XXVI) in the absence of any of them would be meaningless, and it should be held only on condition that participation by all those States was guaranteed. That position was fully in line with his delegation's unchanging support both for the Declaration itself and for the idea of holding a conference for the purposes of its implementation.

5. Ms. COURTNEY (Australia) emphasized that many United Nations conferences were held without the participation of all members of the world community, especially in the case of regional conferences. In her delegation's view, in the case of the Conference on the Indian Ocean the participation of all Member States would greatly complicate the adoption of the final declaration, in accordance with which the Indian Ocean was to be transformed into a zone of peace. That issue was undoubtedly of importance to the littoral and hinterland States, and the countries which were major maritime users of the Indian Ocean for trade or military purposes should certainly participate in the Conference, but there was no need for all Members of the United Nations to participate in it.

6. Mr. KHERADI (Senior Adviser), responding to a question by the Chairman regarding the participation of States in United Nations conferences, drew attention to the differing views expressed and to the need for careful study of the issue before a final decision was taken, and requested that he be given an opportunity to consult on the subject with representatives of the Office of Legal Affairs.

7. Mr. M'FULA (Zambia) said that since the Conference was to be a United Nations Conference, participation in it should be open to all Member States. Otherwise, the effort to limit the number of participants in the Conference would begin to be attributed to other motives. All Member States had the sovereign right to participate or not participate in the Conference, and should be given the opportunity of deciding for themselves whether or not to do so. His delegation was convinced that all States Members of the United Nations should be given the opportunity to participate in the Conference not as observers, but as full participants.

8. Mr. MAHMOOD (Pakistan) said that his delegation had stated its views on the question of participation more than once, and had no additional comments to make.

9. Mr. CURE (Mauritius) said that if participation in the Conference was limited to the littoral and hinterland States, the major powers and other countries which were major users of the waters of the Indian Ocean, there was a risk of it being transformed into a regional conference, which would be undesirable. Of course, universal participation might complicate the course of the discussions, but difficulties might also arise as a result of the agreement that decisions at the Conference should be taken by consensus. The existence of differing views regarding participation created a serious threat

(Mr. Cure, Mauritius)

to the very conduct of the Conference. In his delegation's view, it should be a United Nations Conference and participation in it should be open to all Member States.

10. Mrs. MULAMULA (United Republic of Tanzania) said that all the preparatory work had been conducted on the premise that the Conference would be a United Nations Conference. Although that work had been carried out by the Ad Hoc Committee, the decision regarding the holding of the Conference at Colombo had been taken by the General Assembly, and all States Members of the United Nations had defined their positions on that issue. The work was being conducted under a mandate from the United Nations, and to limit the number of participants in the Conference would be inadmissible. Nor could her delegation agree with the view of those States which, while supporting the idea of holding a United Nations Conference, considered at the same time that the need to hold it would disappear if certain States did not agree to participate. Such reservations were in its view inadmissible. As the representative of Zambia had pointed out, every State had the sovereign right to participate in the Conference; invitations would be sent to all States Members of the United Nations, and each of them would take its own decision regarding participation.

11. Mr. NAIMI-ARFA (Islamic Republic of Iran) said that since the Conference on the Indian Ocean was to be held under the auspices of the United Nations, all States Members of the Organization had the right to participate in its work. His delegation also agreed with the point made by the representative of the United Republic of Tanzania that there should be no preconditions regarding participation in the Conference. It would be desirable for the Senior Adviser to provide an advisory opinion on the question.

12. Mr. SHA Zukang (China) said that, while awaiting the opinion of the Legal Counsel on the subject, his delegation wished to make a number of points. In the first place, since the Conference was to be held under the United Nations auspices, it should be clarified whether any precedent existed where participation was concerned; if so, that precedent could be followed. In the second place, if the Committee supported the view of the representative of Australia a number of problems might arise. For example, as was apparent from documents A/AC.159/L.55 and A/AC.159/L.86, opinions differed as to the geographical limits of the Indian Ocean. Another problem was that there was no clear definition of the countries which were major maritime users of the Indian Ocean. A list of such countries did indeed exist, but it should not be forgotten that the question of establishing the zone of peace in the Indian Ocean was of a long-term nature. In the process of establishing the zone, both the status of those countries and the extent of their maritime use of the Indian Ocean might change over time.

13. Accordingly, the invitation to participate in the work of the Conference could in his delegation's view be sent to all States Members of the United Nations, and on receiving it each State would be able to decide for itself whether or not to agree to participate in the Conference.

14. Mr. SOTIROV (Bulgaria), after noting that his delegation was awaiting the opinion of the Senior Adviser on the question of participation in the Conference, said with reference to the statement by the representative of Australia that it was not entirely clear how the Committee intended to draw up a list of the countries which were major maritime users of the Indian Ocean as a category of States which would participate in the Conference. Perhaps Lloyd's Register of Shipping or some other source would be used as a basis? Bulgaria, as a member of the Ad Hoc Committee and a prospective participant in the forthcoming Conference, could clearly not, from the standpoint of its significance and contribution to that forum, lay claim to the same role as would be played by such littoral and hinterland States as, for example, Australia. Nevertheless, participation of all States in the Conference was essential. The regional aspects of the process of establishing a zone of peace in the Indian Ocean were undoubtedly important, but if the issue was to be purely regional in nature there would be no point in the Ad Hoc Committee on the Indian Ocean, as one of the organs of the General Assembly, having spent many years dealing with the preparations for the conduct of the Conference on the Indian Ocean.

15. Lastly, he supported the views expressed by the representative of China and said that countries could themselves decide the issue of their participation in the Conference.

16. The CHAIRMAN, summarizing the views expressed during the discussion, said that they fell into three main groups and that it did not appear possible to arrive at consensus on the subject. Accordingly, after the Committee had heard the Senior Adviser at its afternoon meeting, the most advisable course would seem to be to bring the views expressed, as reflected in the summary records, officially to the attention of the Secretary-General, who ultimately would be sending to States, on behalf of the United Nations, the invitations to participate in the Conference. If that proposal was acceptable to the Committee, the matter could be regarded as settled.

17. Mr. KHERADI (Senior Adviser) said that before taking a decision regarding possible action to be taken by the Secretary-General, the Committee should first of all hear the opinion to which reference had been made earlier.

18. The CHAIRMAN said that that was precisely what he had proposed.

19. Mr. NAIMI-ARFA (Islamic Republic of Iran) raised the question of the nature of the Ad Hoc Committee on the Indian Ocean following the conclusion of the first phase of the Conference. Where participation in the Conference was concerned, his delegation's view was that the Conference should be an open-ended forum, and not confined solely to participation by the States of the region or countries which were maritime users of the Indian Ocean. Accordingly, it would be desirable after the completion of the first phase of the Conference to change the nature of the Ad Hoc Committee and transform it into an open-ended committee, so that all interested States could participate in its work. He would like to know the views of Committee members on that question.

20. The CHAIRMAN said that although the question was an important one, it could be considered at a later stage, for example, when the draft resolution of the non-aligned countries was under consideration.

21. Mr. JAIN (India), referring to the statement by the representative of the Islamic Republic of Iran, said that in his own delegation's view the Ad Hoc Committee on the Indian Ocean had no mandate to discuss the issue of its future status. That was the prerogative of the General Assembly or the Conference at Colombo. Accordingly, it should not be discussed in the Ad Hoc Committee.

22. The CHAIRMAN requested Committee members to indicate whether they agreed with the view expressed by the representative of India or felt that the matter should be discussed at a later stage.

23. Ms. COURTNEY (Australia) said that her delegation did not agree with the view of the representative of India; however, it would not be desirable to prolong discussion of the matter, since that might lead to a lengthy debate which would prevent the non-aligned countries from completing their consideration of the draft resolution.

24. Mr. JAIN (India) reaffirmed his delegation's view and said that the Senior Adviser should be requested to provide an advisory opinion on the matter.

The meeting rose at 12 noon.